

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
 In The Circuit Court of **CABELL** County, West Virginia

1. CASE STYLE:

Case # 21c-396
 Judge /s/ ALFRED E. FERGUSON

Plaintiffs

**LAURA MAYNARD and
 JONATHAN ROY,**

vs.

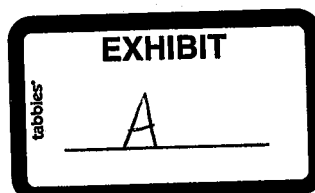
MIKE WOELFEL
 CIRCUIT CLERK
 CABELL CO. WV

2021 OCT 26 AM 10:17

FILED

<u>Defendants</u>	<u>Days to Answer</u>	<u>Type of Service</u>
PRO TRANSPORT & LEASING, INC. c/o Arthus O. Bakken, Agent 4655 28 th Avenue South Grand Forks, ND 58201	30	Secretary of State
REINKE MANUFACTURING COMPANY c/o Chris C. Roth, Agent 1040 Road 5300 Deshler, NE 68340	30	Secretary of State
JASON REVELS 43 Shelton Circle Lumberton, NC 28360	20	Personal
JOHN DOE Address Unknown		Address Unknown

Original and 6 copies of COMPLAINT furnished herewith



I. **Plaintiffs: LAURA MAYNARD and JONATHAN ROY**

Defendants: PRO TRANSPORT & LEASING, INC., JASON REVELS, REINKE MANUFACTURING COMPANY and JOHN DOE

II. TYPE OF CASE:

TORTS		OTHER		CIVIL
<input type="checkbox"/>	Asbestos	<input type="checkbox"/>	Adoption	Appeal from Magistrate Court
<input type="checkbox"/>	Professional Malpractice	<input type="checkbox"/>	Contract	Petition for Modification Magistrate Sentence
<input checked="" type="checkbox"/>	Personal Injury	<input type="checkbox"/>	Real Property	
<input type="checkbox"/>	Product Liability	<input type="checkbox"/>	Mental Health	Miscellaneous Civil
<input type="checkbox"/>	Other Tort	<input type="checkbox"/>	Appeal of Administrative	Other

III. JURY DEMAND: ☒ Yes ☐ No

CASE WILL BE READY FOR TRIAL BY (Month/Year) Nov. 2022

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities.
- ☐ Interpreter or other auxiliary aid for the hearing impaired.
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired.
- ☐ Other:

Attorney Name: **L. David Duffield, Esquire**
Chad S. Lovejoy, Esquire
Duffield, Lovejoy &
Boggs, PLLC
Post Office Box 608
Huntington, WV 25710-0608
(304) 522-3038

Representing:

☒ Plaintiffs ☐ Defendant
☐ Cross Complaint
☐ Cross Defendant

Dated: _____

 Signature

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

**LAURA MAYNARD and
JONATHAN ROY,**

Plaintiffs,

v.

**Civil Action No. 21-C-396
Judge: /s/ ALFRED E. FERGUSON**

**PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING
COMPANY and JOHN DOE DRIVER,**

Defendants.

COMPLAINT

2021 OCT 26 AM 10:17
MIKE WOELFEL
CIRCUIT CLERK
CABELL CO. WV

FILED

COME NOW the Plaintiffs, by counsel, and for their Complaint, state as

follows:

JURISDICTION and VENUE

1. This action arises from a motor vehicle collision which occurred on or about November 6, 2019, near mile marker 15, on Interstate 64, in or near Barboursville, Cabell County, West Virginia.
2. At all times relevant to this action, Plaintiffs Laura Maynard and Jonathan Roy were married residents of West Hamlin, Lincoln County, West Virginia
3. Upon information and belief, at all times relevant to this action, Defendant Pro Transport and Leasing, Inc. was a corporation organized under the laws of North Dakota, but conducting business activities on West Virginia roadways.
4. Upon information and belief, at all times relevant to this action, Defendant Jason Revels was a resident of Lumberton, North Carolina.

5. Upon information and belief, at all times relevant to this action, Defendant Reinke Manufacturing Company was a corporation organized under the laws of Nebraska, but conducting business activities on West Virginia roadways.

6. Upon information and belief, at all times relevant to this action, Defendant John Doe Driver is an unidentified driver of a vehicle involved in the subject collision which was owned and/or operated by Defendant Reinke Manufacturing Company.

7. This Court has personal jurisdiction to hear the present action by virtue of West Virginia Code Sections 56-3-33 and 56-3-31 (the West Virginia Long Arm Non-Resident Operator Statutes) and the facts as set forth herein.

8. This Court is the appropriate venue for the present action by virtue of West Virginia Code section 56-1-1.

FACTS

9. On or about November 6, 2019, Plaintiff Laura Maynard was the driver of a 2014 Ford Fiesta traveling east bound on Interstate 64 near mile marker 15, in or near Barboursville, West Virginia.

10. At the same time on or about November 6, 2019, Defendant John Doe Driver was also traveling east bound and operating a commercial motor vehicle on Interstate 64, near mile marker 15, in or near Barboursville, West Virginia.

11. Defendant John Doe Driver operated his commercial vehicle in a manner to cut in front of Plaintiff Laura Maynard, in response to which she applied her brakes to avoid a collision.

12. Upon information and belief, Defendant John Doe Driver was operating the commercial motor vehicle on November 6, 2019 in the course and scope of his employment with Defendant Reinke Manufacturing Company.

13. At the same time on or about November 6, 2019, Defendant Revels was also traveling east bound on Interstate 64, near mile marker 15, in or near Barboursville, West Virginia, directly behind Plaintiff Laura Maynard.

14. Upon information and belief, Defendant Revels was operating the subject commercial motor vehicle in the scope of, and in the course of, his employment by Defendant Pro Transport and Leasing, Inc.

15. While Defendant Revels was traveling behind Plaintiff Laura Maynard, he approached her from the rear and struck the rear of her car with his Semi.

16. In rear-ending Plaintiff Laura Maynard's car with his Semi on the Interstate, Defendant Jason Revels failed to keep an assured clear distance ahead.

17. In rear-ending Plaintiff Laura Maynard's car with his Semi on the Interstate, Defendant Jason Revels failed to operate his commercial motor vehicle in a manner to be able to come safely to a stop within the distance he could see ahead.

18. In rear ending Plaintiff Laura Maynard's car with his Semi on the Interstate, Defendant Jason Revels followed her too closely under the conditions.

19. The subject collision was investigated by Officers Seay and Campbell of the Barboursville Police Department, who determined that Defendant Jason Revels failed to maintain control of his commercial motor vehicle.

COUNT ONE – NEGLIGENCE

20. Plaintiffs incorporate the allegations and inferences of all preceding paragraphs of the Complaint into this Count.

21. On or about November 6, 2019, Defendants John Doe Driver and Defendant Jason Revels had a duty to operate their commercial motor vehicles in a safe and careful manner, such as would a reasonably prudent driver on the roads in the State of West Virginia.

22. By failing to operate their commercial motor vehicles in a safe and careful manner, resulting in Defendant Jason Revels rear-ending Plaintiff Laura Maynard, Defendant John Doe Driver and Defendant Jason Revels breached their aforementioned duty.

23. By failing to observe all applicable rules and regulations for operating their commercial motor vehicles on the Interstate roadways within West Virginia, Defendants breached their aforementioned duty.

24. Defendants' breach of their aforementioned duty to operate their vehicles in a safe and careful manner was the direct and proximate cause of the collision which occurred on November 6, 2019.

25. As a direct and proximate result of Defendants' breach of their aforementioned duty to operate their commercial motor vehicles in a safe and careful manner on November 6, 2019, Plaintiff Laura Maynard has suffered physical injuries and other general and special damages.

26. As a direct and proximate result of Defendants' breach of their aforementioned duty to operate their commercial motor vehicles in a safe and careful manner on November 6, 2019, Plaintiff Jonathan Roy has suffered a loss of spousal consortium.

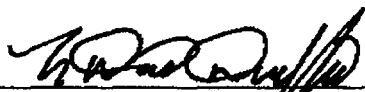
27. Under the doctrine of *respondeat superior*, Defendant Pro Transport and Leasing, Inc. and Defendant Reinke Manufacturing Company are vicariously liable for the negligence of their respective employees, Defendant Jason Revels and Defendant John Doe Driver.

WHEREFORE, Plaintiffs pray this Honorable Court will grant judgment against Defendants in an amount sufficient to fully compensate the Plaintiffs for past and future general and special damages and such other and further relief as the Court deems just and proper.

PLAINTIFFS DEMAND A TRIAL BY JURY

**LAURA MAYNARD and
JONATHAN ROY**

By Counsel



L. David Duffield, Esq. (WV 4585)
Chad Lovejoy, Esq. (WV 7478)
DUFFIELD, LOVEJOY & BOGGS, PLLC
P.O. Box 608
Huntington, West Virginia 25710-0608
(304) 522-3038
Duffield@DuffieldLovejoy.com
Clovejoy@DuffieldLovejoy.com
(Counsel for Plaintiffs)

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-C-396

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING COMPANY
and JOHN DOE DRIVER,

/s/ ALFRED F. FERGUSON

Defendants.

SUMMONS

TO: Reinke Manufacturing Company
c/o Chris C. Roth, Registered Agent
1040 Road 5300
Deshler, NE 68340

MIKE WOELFEL
CIRCUIT CLERK
CABELL CO. WV

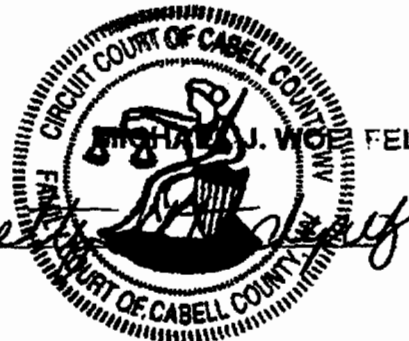
2021 OCT 26 PM 10:17

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IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby
Summoned and required to serve upon Larry David Duffield, attorney for Plaintiffs,
whose address is Post Office Box 608, Huntington, West Virginia 25710-0608, an
Answer including any related counterclaim you may have to the Complaint filed against
you in the above-styled Civil Action, a true copy of which is herewith delivered to you.
You are required to serve your Answer within 30 days after service of this Summons
upon you, exclusive of the day of service. If you fail to do so, judgement by default will
be taken against you for the relief demanded in the Complaint and you will be thereafter
barred from asserting in another action any claim you may have which must be asserted
by counterclaim in the above-styled Civil Action.

Date: OCT 26 2021

- ☐ Service - Certified (RD)
☐ Service - Sheriff
☒ Returned to Atty. for Service
☐ Returned to Pltf. for Service



IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-C-396

/s/ ALFRED E. FERGUSON

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING COMPANY
and JOHN DOE DRIVER,

Defendants.

SUMMONS

TO: Pro Transport & Leasing, Inc.
c/o Arthur O. Bakken, Registered Agent
4655 28th Avenue South
Grand Forks, ND 58201

MIKE MOELER
CIRCUIT CLERK
CABELL CO. WV

7/21 OCT 26 AM 10:18

FILED

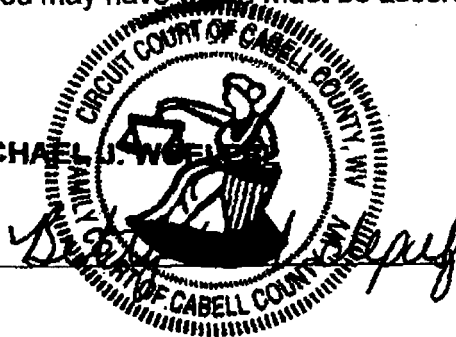
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OCT 26 2021

Date: _____

- ☐ Service - Certified (RD)
☐ Service - Sheriff
☒ Returned to Atty. for Service By: _____
☐ Returned to Pitt. for Service

MICHAEL J. WOELER



IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-C-396

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING
COMPANY and JOHN DOE DRIVER,

/s/ ALFRED E. FERGUSON

Defendants.

SUMMONS

TO: Jason Revels
43 Shelton Circle
Lumberton, NC 28360

MIKE WOELTEL
CIRCUIT CLERK
CABELL CO. WV

2021 OCT 26 AM 10:18

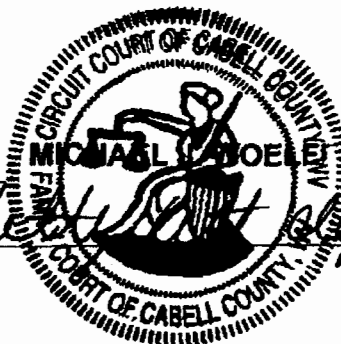
FILED

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Date: OCT 26 2021

- ☒ Service Certified (RD)
☐ Service - Sheriff
☐ Returned to Atty. for Service
☐ Returned to Pltf. for Service

By _____



Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

FILED

2021 NOV -5 AM 8:28

MIKE WIDELFEL
CIRCUIT CLERK
CABELL CO. WV



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
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www.wvsos.com

CABELL COUNTY CIRCUIT COURT
Cabell County Courthouse
P. O. Box 545
Huntington, WV 25710-0545

Control Number: 282723

Defendant: PRO TRANSPORT & LEASING, INC.
4655 28TH AVENUE SOUTH
GRAND FORKS, ND 58201 US

Agent: ARTHUR O. BAKKEN

County: Cabell

Civil Action: 21-C-396

Certified Number: 92148901125134100003352185

Service Date: 11/1/2021

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-C-396

/s/ ALFRED E. FERGUSON

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING COMPANY
and JOHN DOE DRIVER,

Defendants.

SUMMONS

TO: Pro Transport & Leasing, Inc.
c/o Arthur O. Bakken, Registered Agent
4655 28th Avenue South
Grand Forks, ND 58201

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby

Summoned and required to serve upon Larry David Duffield, attorney for Plaintiffs,
whose address is Post Office Box 608, Huntington, West Virginia 25710-0608, an

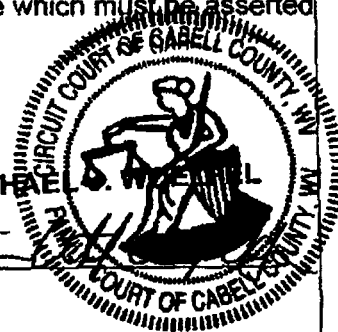
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by counterclaim in the above-styled Civil Action.

Date: OCT 26 2021

By: Betty

MICHAEL S. FERGUSON



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2021 NOV -5 AM 8:28

CLERK OF COURT
CABELL COUNTY, WV
137-1 A 9:05

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

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7021 NOV -5 AM 8:28

MIKE WELFEL
CIRCUIT CLERK
CABELL CO. WV

Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

CABELL COUNTY CIRCUIT COURT
Cabell County Courthouse
P. O. Box 545
Huntington, WV 25710-0545

Control Number: 282722

Defendant: JASON REVELS
43 SHELTON CIRCLE
LUMBERTON, NC 28360 US

County: Cabell

Civil Action: 21-C-396

Certified Number: 92148901125134100003352178

Service Date: 11/1/2021

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-C-396PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING
COMPANY and JOHN DOE DRIVER,

/s/ ALFRED E. FERGUSON

Defendants.

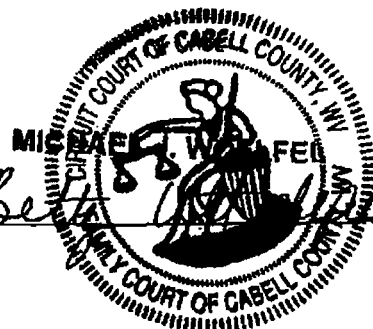
SUMMONSTO: Jason Revels
43 Shelton Circle
Lumberton, NC 28360

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby

Summoned and required to serve upon Larry David Duffield, attorney for Plaintiffs
whose address is Post Office Box 608, Huntington, West Virginia 25710-0608, anAnswer including any related counterclaim you may have to the Complaint filed against
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upon you, exclusive of the day of service. If you fail to do so, judgement by default will
be taken against you for the relief demanded in the Complaint and you will be thereafter
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OCT 26 2021

Date: _____

By: Beth

2021 NOV - 1 A 9:05
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CIRCUIT COURT OF CABELL COUNTY, WV
MICHAEL E. FERGUSON

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

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2021 NOV -5 AM 8:28

MIKE WOELFEL
CIRCUIT CLERK
CABELL CO. WV



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

CABELL COUNTY CIRCUIT COURT
Cabell County Courthouse
P. O. Box 545
Huntington, WV 25710-0545

Control Number: 282721

Defendant: REINKE MANUFACTURING
COMPANY
1040 ROAD 5300
DESHLER, NE 68340 US

Agent: CHRIS C. ROTH

County: Cabell

Civil Action: 21-C-396

Certified Number: 92148901125134100003352161

Service Date: 11/1/2021

I am enclosing:

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Mac Warner

Mac Warner
Secretary of State

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

Plaintiffs,

v.

Civil Action No. 21-0326

/s/ ALFRED E. FERGUSON

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE MANUFACTURING COMPANY
and JOHN DOE DRIVER,

Defendants.

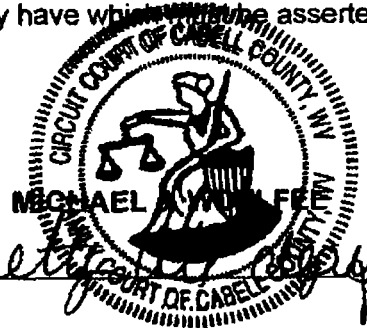
SUMMONS

TO: Reinke Manufacturing Company
c/o Chris C. Roth, Registered Agent
1040 Road 5300
Deshler, NE 68340

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby
Summoned and required to serve upon Larry David Duffield, attorney for Plaintiffs,
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by counterclaim in the above-styled Civil Action.

Date: OCT 26 2021

By: Beth...



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2021 NOV -5 AM 8:29

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ACCEPTED FOR
FILED

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

LAURA MAYNARD and
JONATHAN ROY,

NO.: 21-C-396

Plaintiffs,

v.

PRO TRANSPORT & LEASING, INC.,
JASON REVELS, REINKE
MANUFACTURING COMPANY and
JOHN DOE DRIVER,

JURY TRIAL DEMANDED HEREIN

Defendants.

NOTICE OF APPEARANCE

Kindly enter the appearance of Timothy A. Montgomery, Esquire, Julie A. Brennan, Esquire, and Pion, Nerone, Girman, Winslow & Smith, P.C., on behalf of Defendants, Pro Transport & Leasing, Inc. and Jason Revels, in the above matter.

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

By: Julie A. Brennan
Timothy A. Montgomery, Esquire
WVSB #12034
tmontgomery@pionlaw.com
Julie A. Brennan, Esquire
WVSB #11225
jbrennan@pionlaw.com

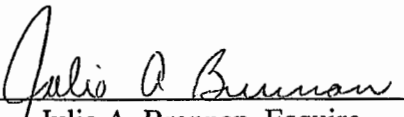
1500 One Gateway Center
Pittsburgh PA 15222
412-281-2288
Counsel for Defendants,
Pro Transport & Leasing, Inc. and
Jason Revels

CERTIFICATE OF SERVICE

I, Julie A. Brennan, Esquire, hereby certify that a true and correct copy of the foregoing NOTICE OF APPEARANCE was served upon counsel of record email, this 19th day of November, 2021, as follows:

L. David Duffield, Esquire (WVSB #4585)
Chad Lovejoy, Esquire (WVSB #7478)
Duffield, Lovejoy & Boggs, PLLC
P.O. Box 608
Huntington, WV 25710-0608
duffield@duffieldlovely.com
clovejoy@duffieldlovejoy.com
Fax: (304) 522-0085
Counsel for Plaintiffs

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

By: 
Julie A. Brennan, Esquire
WVSB #11225
jbrennan@pionlaw.com

11/30/2021 15:17 FAX

Civil Action Number

21-C-396

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Package Identification Code

92148901125134100003352185

Signature Downloaded

11/8/2021 6:03:39 AM

NOV 23 PM 9:34

Defendant Name

PRO TRANSPORT & LEASING, INC.


 MIKE WOELFEL
 CIRCUIT CLERK
 CABELL CO. WV

Date Produced: 11/08/2021

WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0003 3521 85. Our records indicate that this item was delivered on 11/04/2021 at 09:47 a.m. in GRAND FORKS, ND 58201. The scanned image of the recipient information is provided below.

Signature of Recipient :

 Shelly Litinger

Address of Recipient :

 4655 28th Ave S
 G.F. ND 58201

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
 United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number:

335218

Civil Action Number 21-C-396
Package Identification Code 92148901125134100003352161
Signature Downloaded 11/8/2021 6:03:39 AM
Defendant Name REINKE MANUFACTURING COMPANY

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2021 NOV 23 PM 9:35

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CABELL CO. WV



Date Produced: 11/08/2021

WEST VIRGINIA SECRETARY OF STATE:

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Signature of Recipient :

Kristin Doering
Kristin Doering

Address of Recipient :

1040 ROAD 3300
DESHLER, NE 68340-0300

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 335216